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11 **UNITED STATES DISTRICT COURT**
FOR THE NORTHERN DISTRICT OF CALIFORNIA
12 **SAN FRANCISCO DIVISION**

13 ----- X
14 TARI LABS, LLC, :

15 Plaintiff, :

16 - against - :

17 LIGHTNING LABS, INC. :

18 Defendant. :

CASE NO.: 3:22-CV-07789-WHO

**DEFENDANT'S MOTION TO
ADJOURN THE FURTHER
CASE MANAGEMENT
CONFERENCE SCHEDULED
FOR APRIL 18, 2023**

1 Defendant Lightning Labs, Inc. (“Defendant”), by and through its undersigned counsel,
2 hereby moves this Court to adjourn the Further Case Management Conference (the “CMC”)
3 scheduled for April 18, 2023, to April 19, 2023, or, in the alternative, to another date at the
4 Court’s convenience, and states as follows:

5 1. Plaintiff Tari Labs, LLC (“Plaintiff”) filed this action on December 8, 2022. (ECF
6 No. 1).

7 2. On December 8, 2022, the Court entered an order setting the Initial Case
8 Management Conference for March 13, 2023. (ECF No. 5).

9 3. On February 21, 2023, Plaintiff filed an *ex parte* application for a temporary
10 restraining order (“TRO”). (ECF No. 25). Defendant filed a response on February 22, 2023.
(ECF No. 30).

11 4. On February 22, 2023, the Court held a hearing regarding the application for the
12 TRO (ECF No. 32), and thereafter entered an order maintaining the status quo and setting a
13 briefing and hearing schedule for the TRO. (ECF Nos. 33–34).

14 5. On March 6, 2023, the parties filed their joint case management statement. (ECF
15 No. 52).

16 6. On March 8, 2023, the Court held a hearing on Plaintiff’s application for a TRO
17 and thereafter, on March 13, 2023, entered a TRO. (ECF Nos. 54, 56).

18 7. On March 15, 2023, the parties filed a joint stipulation with a proposed order
19 converting the TRO to a preliminary injunction. (ECF No. 57).

20 8. On March 16, 2023, the Court ordered the parties’ joint stipulation and proposed
21 order and also scheduled the CMC for April 18, 2023 at 2:00pm. (ECF No. 58).

22 9. Defendant respectfully requests that this Court adjourn the CMC until April 19,
23 2023, or a date thereafter at the Court’s convenience.

24 10. There is good cause to grant this request. Defendant’s principal trial counsel,
25 Megan K. Bannigan, is unavailable at the scheduled time on August 18, 2023 due to previously
planned international travel. Ms. Bannigan will be on a flight returning to the U.S. with her family

1 at the time of the conference. Ms. Bannigan is available the next day, on April 19, or at the
2 Court's convenience for the remainder of April.

3 11. On March 31, 2023, Defendant conferred with Plaintiff's counsel regarding
4 adjournment of the CMC to April 19. On April 4, 2023, Plaintiff informed Defendant that it does
5 not consent to the requested adjournment.

6 12. The parties have made no prior requests for adjournment of the date of the CMC.

7 13. The requested one-day (or otherwise brief) adjournment of the CMC will not
8 unreasonably delay this matter or other deadlines in this case. Defendant consented to a
9 preliminary injunction (ECF No. 57), and there are currently no case deadlines that will be
10 impacted by a brief adjournment. As such, there is no basis for Plaintiff to claim undue harm or
11 prejudice if the motion is granted.

12 14. For the reasons stated herein, Defendant respectfully requests that the Court
13 GRANT Defendant's request to adjourn the CMC to April 19, 2023, or, in the alternative, to a date
14 thereafter at the Court's convenience, and thanks the Court for its consideration of this motion.

15 Dated: April 6, 2023

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